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PATENT APPLICATION

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re application of

Docket No: Q62055

Sung Lyong LEE

Appln. No.: 09/840,020

Group Art Unit: 2614

Confirmation No.: 4252

Examiner: TRAN, TRANG U.

Filed: April 24, 2001

For: OSD (ON SCREEN DISPLAY) CURSOR DISPLAY METHOD AND CURSOR
IMAGE DISPLAY APPARATUS

SUBMISSION OF APPEAL BRIEF

MAIL STOP APPEAL BRIEF - PATENTS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith please find an Appeal Brief. A check for the statutory fee of \$500.00 is attached. The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account. A duplicate copy of this paper is attached.

Respectfully submitted,

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23373

CUSTOMER NUMBER

Date: January 20, 2006



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APPEAL BRIEF UNDER 37 C.F.R. § 41.37

MAIL STOP APPEAL BRIEF - PATENTS

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P.O. Box 1450

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Sir:

In accordance with the provisions of 37 C.F.R. § 41.37, Appellant submits the following:

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I. REAL PARTY IN INTEREST

The real party in interest is SAMSUNG ELECTRONICS CO., LTD, by virtue of an assignment executed by Sung Lyong Lee (Appellant, hereafter), on May 15, 2001, and recorded by the Assignment Branch of the U.S. Patent and Trademark Office on October 23, 2001 (at Reel 012086, Frame 0919).

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II. RELATED APPEALS AND INTERFERENCES

To the knowledge and belief of Appellants, the Assignee, and the undersigned, there are no other appeals or interferences before the Board of Appeals and Interferences that will directly affect or be affected by the Board's decision in the instant Appeal.

III. STATUS OF CLAIMS

The application was originally filed with claims 1-9. Claims 1-12 are all the claims currently pending in the application.

Claims 1 and 10 are currently allowed. Claims 11 and 12 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Wang (U.S. 6,292,203). Claims 2 and 7-9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kawamura et al. (U.S. 6,453,110) in view of Wang (U.S. 6,292,203). Claims 3-6 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kawamura in view of Wang, and in further view of Min et al. (U.S. 6,462,746).

Claims 2-9 are being appealed.

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IV. STATUS OF AMENDMENTS

Claims 11 and 12 have been requested to be canceled.

V. SUMMARY OF THE CLAIMED SUBJECT MATTER

The present invention relates to a method and apparatus for displaying a cursor for an on-screen display (OSD) device from an OSD source. According to one aspect of the invention, the apparatus displays a cursor display, which is saved in a memory of a display device (page 7, lines 13-15). The display is generated by a command from an OSD remote controller (page 5, lines 20-22). The location of the cursor is supplied by the OSD (page 8, lines 9-10). The display apparatus decodes an MPEG signal from the OSD to create the image display data. The signal is then sent to a buffer and provides the corresponding OSD to the overlapper, where the image data and the OSD data are overlapped and provided to a display screen. The display device uses a control part to control the decoding, buffing, overlapping, memory, and screen. A display device remote controller sends commands to the control part (see FIG. 2 and page 7, lines 6-8).

The memory of the display device contains data regarding the OSD cursor display. Thus, when the OSD source remote controller makes a display command, OSD must only transfer the cursor display location information to the display device, not the data regarding the cursor display, as OSD uses the cursor display data that is already saved in the display device (FIG. 3, page 8, lines 9-16). This results in a much quicker transfer of information than if the cursor display data must also be transferred.

The apparatus also includes an OSD source which determines if the connected display device has its own cursor display data (page 8, lines 7-8). The OSD source checks the output asynchronous plug register through a control part; if the CC value is set to "1", then the control

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part identifies that the display device has its own cursor display data (page 8, lines 3-6). If the display device contains its own cursor display data, then the OSD only outputs the cursor display information, which then contains only 8 bits (page 8, lines 13-14).

The OSD source, which is connected to the display device by an IEEE 394 bus, supplies an MPEG transport stream to the display device, which is transformed into image data to be displayed on the screen of the display device (FIG. 2, page 6, lines 8-11). The source also produces the OSD display data in a bitmap format, stores data in an output asynchronous plug register (page 6, lines 11-15). A controller contained within the OSD source controls the MPEG transport stream, the register and the OSD display data (page 6, lines 6-17). The OSD source receives commands which are then provided to the controller (page 6, lines 12-14).

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VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Claims 2 and 7-9 are rejected under 35 U.S.C. § 103 as being unpatentable over Kawamura et al. (U.S. Patent 6,453,110, hereafter “Kawamura”) in view of Wang (U.S. Patent 6,292,203, hereafter “Wang”).

Claims 3-6 are rejected under 35 U.S.C. § 103 as being unpatentable over Kawamura et al. in view of Wang and further in view of Min et al. (U.S. Patent 6,462,746, hereafter “Min”).

VII. ARGUMENT

Claims 2 and 7-9 are not obvious over the combination of Kawamura et al. in view of

Wang.

Claim 2 recites,

“ An OSD image display apparatus, comprising:
a display apparatus which includes a memory where an own cursor display data is stored, a unit that outputs existence information of the own cursor display data, and a display that displays the own cursor display data on a screen by reading the own cursor display data stored in said memory in response to received cursor display location information;
an OSD source remote controller for generating a cursor display command on the screen of said display apparatus; and
an OSD source for receiving and storing the existence information of said own cursor display data, and transmitting the cursor display location information on the screen of said display apparatus to said display apparatus if the cursor display command is received from said OSD source remote controller.”

Applicants respectfully submit that all of these features are not taught by the references, taken either alone, or in combination. The Examiner refers to the remote commander 300 of Kawamura et al as corresponding to the OSD source controller for generating a cursor display command on the screen of said display apparatus on pages 3-4 of the Office Action dated May 20, 2005 (hereafter, “Office Action”), but the remote commander 300 is not a source controller.

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Rather, the remote commander 300 controls the display apparatus 500, not the DVD player 400, which the Examiner has identified as corresponding to the claimed OSD source (i.e., the third element of claim 2). The Examiner further argues in the Advisory Action filed September 21, 2005 (hereafter, “Advisory Action”) that:

the “claimed source can be defined as the combination of ‘the display apparatus 500 and the DVD player 400’ of Kawamura et al and, as recognized by applicant, the remote commander 300 of Kawamura et al can control the display apparatus 500, the remote commander 300 is considered to be the source remote controller.”

See page 2 of the Advisory Action. Applicant acknowledges that remote commander 300 of Kawamura controls the display apparatus, but Applicant respectfully disagrees with the Examiner that the “claimed source” can be defined by the combination of the display apparatus 500 and the DVD player 400. Claim 2 recites the display apparatus and the OSD source as separate elements. To accept the Examiner’s characterization, claim 2 would claim a display apparatus and an OSD source which comprises at least a display apparatus. This interpretation is incorrect in light of the claims and the specification for the claimed invention.

Further, the Examiner argues in the Office Action that Kawamura teaches the “OSD source for receiving and storing the existence information of said own cursor display data”, citing the OSD generator 41 of the DVD player 400. See page 4. Applicant respectfully disagrees. Kawamura teaches that the DVD player generates its own OSD information, but fails to teach that the OSD source receives and stores the existence information of a cursor display of

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the display apparatus, as is defined in claim 2 by “said own cursor display data.” The “said own cursor display data” derives support directly from the cursor display data of the display apparatus, not a cursor display generated by the OSD source. In the Advisory Action, the Examiner continues to conclude that:

Kawamura “indeed discloses” an “OSD source for receiving and storing the existence information of said own cursor display data”, citing to column 6, lines 36-48 of Kawamura as support.

Kawamura, column 6, lines 36-48, discloses that a simple display device sends a command signal to the DVD player indicative of the command “CURSOR UP” and “EXEC” since the display device does not recognize which menu has been selected. However, this is not the same as receiving and storing the existence information of said own cursor display data. In Kawamura, the OSD information is generated by the DVD player, which results in the display device not being able to recognize the menu selected by the remote controller. In the claimed invention, the display device supplies its own cursor display data, and the OSD source receives the information regarding the cursor display data of the display device and saves the data, such that the OSD source uses the cursor display data, rather than generate its own.

Additionally, Kawamura fails to teach or suggest transmitting the cursor display location information on the screen of said display apparatus to said display apparatus if the cursor display command is received from said OSD source remote controller. Kawamura teaches that OSD information is encoded within a video signal by SD video encoder 45. Thus, any cursor that might have been generated by the OSD generator 41 simply becomes part of a video image, and

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the video image including the cursor is transmitted, but no cursor display location information is transmitted to the display device. The Examiner, in the Advisory Action, argues that Kawamura, column 6, lines 36-48, discloses that

“[w]hen the “EXEC” command is executed the display device
would transmits (sic) the cursor display location information on the screen
of said display apparatus to said display apparatus if the cursor display
command is received from said OSD source remote controller.”

However, Kawamura column 6, lines 26-35 clearly states that the cursor is encoded into data of the signal format as a screen. Since the DVD player in Kawamura generates the OSD information, the cursor information must be encoded with the video image, as the display device would not recognize the cursor information because the OSD information is not generated by the display device.

The Examiner recognizes that Kawamura fails to disclose the claimed display apparatus which includes a memory where an own cursor display data is stored, a unit that outputs existence information of the own cursor display data, and the display that displays the own cursor display data on a screen by reading the own cursor display data stored in said memory. However, the Examiner argues that Wang teaches a memory for storing OSD symbols. Applicant submits that Wang fails to cure the deficiencies noted above in Kawamura, specifically, the reference fails to teach a unit that outputs existence information of the own cursor display data as well as an OSD source for receiving and storing the existence information of said own cursor display data. In the Advisory Action, the Examiner cites to Wang, column 1,

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lines 56-67, as disclosing a unit that outputs existence information of the own cursor display data and an OSD source for receiving and storing the existence information of said own cursor display data. Applicant respectfully submits that Wang fails to disclose these elements. The elements described in Wang, FIG. 3, are all contained within the OSD source. The elements in the claimed invention, while located in the OSD source, contain the information from the display apparatus. Wang fails to suggest or teach that OSD source receives and stores existence information of said (the display apparatus') own cursor display data. Additionally, the cited portion of Wang also fails to teach that the display apparatus outputs existence information of the own cursor display data; it teaches that the OSD unit outputs cursor display data. Therefore, Applicant submits that the applied references fail to disclose all of the elements of the claimed invention.

For the foregoing reasons, Applicant submits that claim 2 is patentable over the applied art. Claims 6 and 7 are patentable at least by virtue of their dependency from claim 2.

Furthermore, even if it were to be assumed for the sake of argument that the references teach all of the claimed elements, there is no motivation to combine these references. Applicant has previously argued that:

“[o]ne reason for this is that combining the references as proposed by the Examiner would destroy the principle of operation upon which Kawamura et al is based. That is, Kawamura et al teaches that the DVD player (what the Examiner refers to as the OSD source), generates an encoded video signal having contained therein any OSD material. If one

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were to take the OSD function from the DVD player 400 and insert this function into the display device 500, then the basis of operation of Kawamura et al would be destroyed. An object of Kawamura is to provide a simple display device 500, with a minimum of complexity. It is for this reason that the OSD generating function is performed by the DVD player 400 and the OSD image is combined into a video image in the DVD player 400. Inserting OSD generating functions into the simple display device 500 would defeat this purpose.”

The Examiner responds to this argument in the Advisory Action by arguing that

“Kawamura et al teaches that the DVD player (what the Examiner refers to as the OSD source), generates an encoded video signal having contained therein any OSD material and Wang teaches a method for use on an OSD-based (On-Screen Display) video display system, such as a VCD system, a super VCD (SVCD) system, or a DVD system, for the purpose of enhancing the resolution of cursor movement on the display screen of the video display system (col. 1, lines 15-20). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Wang into Kawamura et al’s system in order to enhancing (sic) the resolution of cursor movement on the display screen of the video display system as taught by Wang. The proposed system

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would not destroy the principle of operation upon which Kawamura et al
is based and would not defeat the purpose of Kawamura et al.”

The Examiner does not provide any additional support for this assertion in regards to the argument presented by Applicant. Additional support for Applicant’s position may be found in Kawamura, column 5, lines 3-11. Kawamura strikes a distinction between the simple display device of its invention and an intelligent display device, which is not part of the invention. Simple display device 500 does not contain all of the features of an intelligent display device 200, one of which is an OSD generator. Kawamura specifically teaches that the OSD generator is located in the DVD player 400, so as to create a display device with a minimum of complexity. The present invention’s display apparatus contains “own cursor display data”. Thus, Kawamura teaches away from adding the components of Wang.

Again, Applicant submits that claim 2 is patentable over the applied art. Claims 6-7 are patentable at least by virtue of their dependency from claim 2.

Claims 3-6 are not obvious over the combination of Kawamura et al. in view of Wang and further in view of Min et al.

Claim 3 is dependent upon claim 2, and claims 4-6 are their dependent on claim 2 as well as claim 3. Because Min fails to cure the deficiencies noted above

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in Kawamura and Wang, claims 3-6 should be patentable at least by virtue of their dependency from claim 2.

VIII. CONCLUSION

Unless a check is submitted herewith for the fee required under 37 C.F.R. §41.37(a) and 1.17(c), please charge said fee to Deposit Account No. 19-4880.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

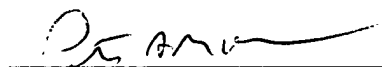
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Date: January 20, 2006

CLAIMS APPENDIX

CLAIMS 2-9 ON APPEAL:

2. (previously presented): An OSD image display apparatus, comprising:
a display apparatus which includes a memory where an own cursor display data is stored,
a unit that outputs existence information of the own cursor display data, and a display that
displays the own cursor display data on a screen by reading the own cursor display data stored in
said memory in response to received cursor display location information;
an OSD source remote controller for generating a cursor display command on the a
screen of said display apparatus; and
an OSD source for receiving and storing the existence information of said own cursor
display data, and transmitting the cursor display location information on the screen of said
display apparatus to said display apparatus if the cursor display command is received from said
OSD source remote controller.

3. (original): The OSD image display apparatus of claim 2, wherein the OSD
source comprises:
an MPEG source for supplying a detected MPEG transport stream to the display
apparatus;
an OSD generator for generating OSD display data in bitmap format;
a register for storing data; and

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a controller for controlling the MPEG source, the OSD generator, and the register.

4. (original): The OSD image display apparatus according to claim 3, wherein the register is an output asynchronous plug register.

5. (original): The OSD image display apparatus according to claim 3, wherein the OSD source and the display apparatus are connected through an IEEE 1394 bus.

6. (original): The OSD image display apparatus according to claim 3, wherein the OSD source further comprises:

a command input part for receiving a command signal from the OSD source remote controller and providing the command signal to the controller.

7. (original): The OSD image display apparatus of claim 2, wherein the display apparatus comprises:

an MPEG decoder for decoding an MPEG transport stream and outputting image data;

a buffer for buffering OSD data;

an overlapper for overlapping the image data and the OSD data and providing overlapped data to the screen; and

a controller for controlling the MPEG decoder, the buffer, the overlapper, the memory, and the

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screen.

8. (original): The OSD image display apparatus according to claim 7, wherein the OSD image display apparatus further comprises:

a display apparatus remote controller.

9. (original): The OSD image display apparatus according to claim 8, wherein the display apparatus further comprises:

a command input part for receiving a command signal from the display apparatus remote controller and providing the command signal to the controller.